

BILL ANALYSIS

H.B. 3738
By: Burnam
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that a recent report relating to the role of local police indicated that when immigrant communities perceive that local police are involved in immigration enforcement, witnesses and victims of crime in those communities are less likely to report crimes or to cooperate with police. The parties cite another report that indicates this lack of trust can endanger the community as a whole because, without the cooperation of immigrant communities, law enforcement personnel have a harder time identifying and prosecuting criminals. Reports indicate that immigrants are already unlikely to cooperate with police due to a fear of deportation and a mistrust of law enforcement in their home countries. The parties point out that this fear of deportation is not just limited to undocumented members of the community but extends to a majority of Hispanic people, probably because a large portion of immigrant families include a mixture of citizens, legal residents, and undocumented individuals.

Interested parties report that in many cities around the state, such as El Paso, Texas, law enforcement already recognizes the importance of working closely with immigrant communities. The parties contend that Texas can make the most of this crime fighting tool by providing guidance to local police to make it clear they can communicate with victims of or witnesses to a crime without those victims or witnesses fearing the consequences of cooperation with authorities.

H.B. 3738 seeks to prohibit a peace officer from asking for the nationality or immigration status of a victim or witness to a crime except under certain circumstances.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3738 amends the Code of Criminal Procedure to prohibit a peace officer from inquiring as to the nationality or immigration status of a victim of or witness to a criminal offense except as necessary to investigate the offense or to provide the victim or witness with information about federal visas designed to protect individuals providing assistance to law enforcement.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.